

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE )  
LITIGATION )

Civil Action No. MDL No. 1456

THIS DOCUMENT RELATES TO:

*State of Montana v. Abbott Labs., Inc., et*  
*al.*, D. Mont. Cause No. CV-02-09-H-  
DWM

AND

**FILED UNDER SEAL**

*State of Nevada v. American Home Prods.*  
*Corp., et al.*, D. Nev. Cause No. CV-N-02-  
0202-ECR

**SUPPLEMENTAL DECLARATION OF BRYAN R. DIEDERICH IN SUPPORT OF  
SCHERING-PLOUGH CORPORATION'S AND WARRICK PHARMACEUTICALS  
CORPORATION'S MOTION FOR SUMMARY JUDGMENT AS TO NEVADA AND  
MONTANA ACTIONS**

I, the undersigned Bryan R. Diederich, submit this Declaration. I have personal  
knowledge of the following facts.

1. I am an attorney at the law firm of Ropes & Gray LLP, counsel to Defendants Schering-Plough Corporation and Warrick Pharmaceuticals Corporation.
2. Attached to this Declaration as Exhibit 1 is a true and correct copy of Extracts from the Deposition of William Groth.
3. Attached to this Declaration as Exhibit 2 is a true and correct copy of Extracts from the Declaration of Raymond Hartman in Opposition to Defendants' Motion for Summary Judgment.

4. Attached to this Declaration as Exhibit 3 is a true and correct copy of Extracts from the Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calculation of Damages.

5. Attached to this Declaration as Exhibit 4 is a true and correct copy of Extracts from the Deposition of Raymond Hartman.

6. Attached to this Declaration as Exhibit 5 is a true and correct copy of Extracts from a document entitled Calculation of Damages and Penalties for the State of Montana.

7. Attached to this Declaration as Exhibit 6 is a true and correct copy of Extracts from a document entitled Calculation of Damages and Penalties for the State of Nevada.

8. Attached to this Declaration as Exhibit 7 is a true and correct copy of Extracts from the Deposition of John Chappius.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Bryan R. Diederich

Dated: February 8, 2007

Bryan R. Diederich